

## **Review of the Code of Conduct for the Practice of Journalism in Kenya; Second Schedule of the Media Act 2007**

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### **Abstract**

The purpose of this study was to review the code of conduct for practice of journalism in Kenya. The paper gives background information of the code of conduct for the practice of journalism in Kenya; second schedule of the Media Act 2007. The paper summarizes the main points in the code of conduct, make an evaluation and lastly make conclusions. In the review, the paper will give accurate, analytical and personal response and reactions on whether the code achieved it is purpose to the target audience. The code of conduct for the practice of journalism in Kenya was published by the Media Council of Kenya (MCK). The code is a 7 page document that contains 25 codes governing ethical and responsible journalism in Kenya. The main target audiences are journalists in media houses in Kenya.

### **Background**

The MCK was established through the Media Act No. 3, 2007. The main reason was for the media to regulate itself and discipline journalists. The Act endeavors to promote freedom and high professional standards/ethics among journalists and media houses in Kenya. Media Owners Association (MOA) was instrumental in setting up the MCK and therefore it wields a lot of influence upon it (Oriare, Okello & Ugungu, 2010). Kenyan media have been operating in an unpredictable and swiftly changing political, social, cultural, economic and technological environment that has influenced their development (Oriare, Okello & Ugungu, 2010). Therefore, there was a need to come up with regulatory framework to give ethical guidance for the practice of journalism in Kenya. However, the government has a negative attitude towards the media. It sees it as a necessary evil as manifested in the various government acts and policies. Policies such as Information and communication Master plan 2008, the media Act, 2007 among others have laid down draconian laws to muzzle the media (Obonyo & Nyamboga, 2011; Oriare et al., 2010).

The document will be judged on the following criteria: purpose of the document, the target audience, contribution to the practice of journalism, analysis of statements used, comparison to other selected code of ethics and dealing social media.

### **Summary of Content**

The document has 25 codes of ethics. The first one addresses the issue of accuracy and fairness and how journalist should be unbiased in their coverage of stories. Secondly it mentions the fact that journalists should defend the independence of all journalists. This is followed by the integrity of journalist when presenting news. Journalists should practice decency and avoid conflicts of interest. Fourthly, journalists and other media practitioners should be accountable to the public, themselves and the profession. In addition, organizations or individuals adversely mentioned should be given opportunity to reply.

The code adds that unnamed sources should not be used unless it is in pursuit of truth. The seventh code stipulates that journalists should have professional obligation to protect confidential sources and they should not seek or obtain information or pictures through misrepresentation or subterfuge. Journalists are also advised to avoid publishing obscenity, vulgar language when reporting unless it is in public interest. The tenth code advises journalists not to receive money as incentive to publish any information or pay for information.

The eleventh code addresses the need for journalists to avoid covering ethnic, religious and sectarian conflict before proper verification. Such news should be broadcast with due caution and restraint to avoid inflaming passions and tensions. This is followed by a code that warns journalists against recording interviews and telephone conversations without the person's knowledge except if necessary to protect the journalists in a legal or compelling reason. The thirteenth code compels journalists to respect individual's private life and they should not intrude into a person's privacy. Journalists are also advised to report intrusion, grief and shock with sensitivity and discretion. Code fifteen advises journalists to avoid sex discrimination by treating men and women equally.

The journalists are advised against using financial information they receive for their own benefit and should not buy or sell shares, securities and other markets. The editor who receives letters on a controversial subject is not obliged to publish all the letters received. The code also protects children because it is stipulated that children should not be identified in cases concerning sexual offences, child abuse etc. This includes victims of sexual assault. Code twenty advises journalists to apply caution in the use of pictures, names and should avoid

publication when there is possibility of causing harm.

Code 21 informs journalists to avoid identifying innocent relatives and friends of persons convicted or accused of crime unless it is necessary for full and fair reporting on the crime. Journalists are also told to avoid presenting acts of violence, armed robberies, banditry and terrorism activities in a way that glorifies such anti-social conduct. Code 23 and 24 focuses on the editor's responsibilities for all content and advertisement. The last code advises journalists to avoid quoting derogatory remarks that can be interpreted as hate speech.

## **Analysis and Evaluation**

### *Purpose of the Document*

The purpose of the document was to introduce ethical journalism in Kenya. The document has clearly achieved its objectives and aims by outlining the 25 codes that govern the practice of journalism in Kenya's media. According to Oriare, et al. (2010, p.9), Kenyans want media that promote professionalism in journalism practice, gather and provide accurate, fair, balanced and impartial information, education and entertainment to all Kenyans. He adds that Kenyans rely on the media more than the government or other sources of information. However, Kenyans castigated the media after the 2007 elections because they were unprofessional (Oriare et al., 2010). The same was amplified by the Kriegler and Waki commissions who indict the media for fanning the violence that followed after the elections (Oriare et al., 2010). Therefore, the document has achieved its purpose of introducing professional journalism because the codes touch on ethical issues that are relevant to the Kenyan media.

### *The Target Audience*

The codes have targeted those practicing journalism in Kenya. However, the code is not clear as it gives general statements that all forms of journalism should ascribe to. It could have been more appropriate if the codes were segmented to target particular type of journalism such as photojournalism, editors, news anchors, reporters etc. With such segmented audience, the codes would have been more effective in entrenching ethical and professional journalism in Kenya by addressing each code to a specific group of journalists. The segments could have included journalists in charge of digital content, visual, audio, editors among others.

### *Contribution to the Practice of Journalism*

According to Rourke (2009) there are professional Journalists, by the public definition: we grant them special powers (secrecy and protection of sources) in return for their specialized skill in illuminating the truth. But in a world where Journalism is being replaced by newsgathering, the perceived need for Journalism is waning therefore; there was need for MCK to bring codes of conduct to regulate the practice of journalism in Kenya. This is because people can get their *news* from nonprofessionals, and don't focus as individuals on whether they want Journalism or not (Rourke, 2009). He adds that people these days pooh-pooh professional training for Journalists, because so many amateurs are getting into the act — or what looks like the act. But there come times when we need more than *news* and need *Journalism* (deeper truth, investigated and uncovered). If there is no profession, I fear that there won't be this Journalism around when we need it (Rourke, 2009). As supported by Wanyama (2009) the steady decline in professional standards and quality of news, features requires codes that can regulate the practice of journalism. According to Oriare et al. (2008) the media enjoys press freedom so the codes bring in regulations that contribute to professionalism in the media industry. According to Wanyama (2009) the media has the power to make or destroy people and institutions, but the same media breaches codes of ethics. This has led to decline in professional standards and quality of news, features and commentaries (Wanyama, 2009). As stated above and how the media was castigated by fanning 2007 violence in Kenya (Oriare et al., 2010), the codes of conduct have contributed immensely to the practice of journalism in Kenya by establishing professional journalism since then.

### *Analysis of Statements Used*

The document has used statements that capture how to follow the practice but some of the statements are loosely stated giving a lot of vagueness and therefore they are full of ambiguities on how the journalists will adhere to them. Some of them are

... *while free to be partisan... (code 1d)*

The above statement allows journalists to practice partisanship while within the same document, they are urged to be fair and avoid biasness. The two statements are ambiguous and can degenerate into biasness and unethical partisanship.

*If the request to correct inaccuracies in a story is in form of a letter, the editor has the discretion to publish it in full or in its abridged and edited version... (code 5)*

... *should be an effective reply to the allegations (code 5)*

The above statements are loosely stated. The use of the word effective is very general and can be abused by

rogue journalists. How do we define effectiveness of a letter in making an apology? The first statement gives the editor whopping powers to decide what is to be published. The use of the words discretion/abridged, leaves the opportunity to reply at the mercy of the editor which can be misused.

*In general, journalists have a professional obligation to protect confidential sources of information (code 7)*

The above statement is very general when addressing confidentiality. It does not address specifics and how to go about protecting confidentiality therefore leaving a lot of room for ambiguities and unethical journalism.

*... in the public interest (code 8, 9a, 9b, 13c, 18)*

The above statement has been used several times in the document. This is a sweeping statement that can be misinterpreted when reporting or covering news. The aspect of public interest should be clearly defined to avoid ambiguities in dispensation of duties.

*When money is paid for information, serious questions can be raised.... (code 10)*

*Therefore, in principle, journalists should not receive any money as an incentive to publish any information (code 10)*

The above statements are loosely stated and there is a loophole for buying news in Kenya and therefore lack credibility. The use of the words '*in principle*' in parenthesis should be rephrased so that it is not misinterpreted to mean that in the absence of principles, journalists can receive money as incentive to publish information. The structure of the statement leaves it ambiguous and can be misinterpreted.

*Women and men should be treated equally as news subjects and news sources (code 15)*

The above statement is vague in addressing gender discrimination. It does not go into more details about this sensitive topic. The statement is general and cannot entrench ethical coverage of news based on gender. The code needs subsections to explain the 'how'

*...remarks based on ethnicity, race, creed, colour and sex shall be avoided (code 25)*

The use of the word 'shall' in the above statement is very mild in addressing the issue of hate speech. The word 'shall' should be replaced with a better word that can out rightly condemn such acts of hate speech.

#### *Comparison to other selected code of ethics*

The code of conduct lacks a preamble that gives the background or introduces the codes to the target audience. As compared to Society of Professional journalists (SPJ), American Society of Newspaper Editors (ASNE), Media, Entertainment & Arts Alliance, EPMU-journalists code of ethics, NUJ in UK among others have a preamble. It is important to have a preamble that succinctly captures the key target audience and values of the code of conduct for the practice of journalism.

The code of conduct for the practice of journalism in Kenya also lacks fundamental principles that define the practice of journalism in Kenya. In SPJ preamble, four key principles (integrity, fair, thorough and accurate) are stated to summarize in concise terms what defines their code of ethics. In EPMU journalists code of ethics, key principles are stated in the preamble and clearly stated that these are the overriding principles (truth, respect and public's right to information) for all journalists (EPMU, 2008). According to the Media, Entertainment & Arts Alliance (n.d) four principles are stated in the preamble (honesty, fairness, independence and respect for the rights of others). All members commit themselves to the above key overriding principles when engaged in journalism.

Therefore, the code of conduct for the practice of journalism in Kenya needs a preamble and state a maximum of 5 key principles that are overriding in the practice of journalism.

#### *Dealing with Social Media*

In the current world of vibrant social media and how information spreads faster using social network site, the code does not mention or provide regulatory framework on how to deal with information from these sites.

From the first code to code 25 no mention of how to handle the fast flow and breaking news from social media. There is a lot of news that comes in through social media and it should only be prudent for a code of ethics to provide regulations that can how such news is handled.

#### **Conclusion**

The review concludes that the code achieved its aim of bringing ethical journalism in Kenya. All the codes in the document have a lot of similarities with other codes such as SPJ, EPMU, Media, Entertainment & Arts Alliance, and ASNE among others. Therefore, it can be concluded that it has indeed made a contribution to the practice of journalism in the world.

The document is a good start but there is room for improvement in terms of issues raised earlier. There is need use statements that avoid ambiguity and clearly spell out what should be done by journalists. The framing of the codes can be further strengthened by using an action word (verb) to clearly state the action to be taken by journalists in the practice. As compared to SPJ which uses a verb in each code e.g. *seek truth and report it, act*

*independently, minimize harm etc*

## REFERENCES

- EPMU. (2008). *Journalist Code of Ethics*. Retrieved from <http://www.epmu.org.nz/journalist-code-of-ethics>.
- Media Council of Kenya. (2007). *Code of Conduct for the Practice of Journalism in Kenya; Second Schedule of the Media Act 2007*.
- Media, Entertainment & Arts Alliance (n.d). *Journalists' code of ethics*. Retrieved from <http://www.alliance.org.au/code-of-ethics.html>
- NUJ (n.d). NUI code of conduct. Retrieved from [www.nuj.org.uk/about/nuj-code/cd-ybdddygiad-yr-nuj](http://www.nuj.org.uk/about/nuj-code/cd-ybdddygiad-yr-nuj)
- Obonyo L. & Nyamboga E. (2011). *Journalists and the Rule of Law*. Nairobi. Kenya section of the international commission of jurists.
- Oriare P., Okello R., & Ugangu W. (2010). *The Media we want; the Kenya vulnerabilities study*. Nairobi, Kenya. Friedrich Ebert Stiftung.
- Rourke, B. (2009) Why We Still Need Professional Journalism. Retrieved from <http://blog.bradrourke.com/2009/10/22/why-we-need-professional-journalism/>
- SPJ. (n.d). *Code of Ethics* .Retrieved from [www.spj.org/ethics\\_code.asp](http://www.spj.org/ethics_code.asp)
- The American Society of Newspaper Editors (2002). *Statements of Principles*
- Wanyama, O. (2009). *The Media Kenya Wants Professionalism and Media Ethics, a brief*